

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCORPIO 8283 LLC,

Plaintiff,

-against-

MYCA, LLC and 2220 EQUITIES MANAGEMENT
LIMITED PARTNERSHIP,

Defendants.

:
:
:
:
: No. 08 CV 510 (CLB)
: **FILED BY ECF**
:
:
:
:
:

**RESPONSE OF 2220 EQUITIES MANAGEMENT LIMITED PARTNERSHIP TO
PLAINTIFF'S LOCAL RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL FACTS**

Defendant 2220 Equities Management Limited Partnership ("2220 Equities"), by and through its undersigned counsel, states the following responses to the allegations set forth in Plaintiff's Local Rule 56.1 Statement:

1. **Allegation:** Court-Martine Associates (the "Partnership") is a New York general partnership. (See Cplt. ¶ 1; Allan Decl. ¶ 1).

Response: Admitted.

2. **Allegation:** Plaintiffs and Defendants all are partners in the Partnership and there are no other partners in the Partnership. (See Cplt. ¶ 17; Allan Decl. ¶¶ 1,3,5).

Response: Admitted.

3. **Allegation:** The partners of the Partnership have been in a state of sharp discord regarding the way in which to conduct the Partnership's affairs. (See Cplt. ¶¶ 21-24; Allan Decl. ¶ 9).

Response: Disputed. The partners have been in a state of sharp discord over the "management and day-to-day operations" of the properties with which Grant has been intimately

involved. (Defendants' MYCA, LLC's and 2220 Equities Management Limited Partnership's Local Rule 56.1 Statement of Undisputed Material Facts in Support of Defendants' Joint Motion for Summary Judgment, ¶¶ 24-25; Plaintiff's Counter Statement Pursuant to Rule 56.1 in Opposition to Defendants' Motion for Partial Summary Judgment, ¶¶ 24-25). 2220 Equities has disagreed with Grant over a number of matters affecting the partnerships and their properties, including leasing, capital expenditures, and the fees collected by Grant and MGRMC. (Declaration of Royanne Minskoff in Support of Defendants' Joint Motion to Dismiss the Complaint, dated February 28, 2008 ("Minskoff Decl.") ¶ 9; Reply Declaration of Alan Minskoff in Further Support of Defendants' Joint Motion to Dismiss the Complaint and in Opposition to Plaintiff's Cross-Motion, dated April 17, 2008 ("Minskoff Reply Decl.") ¶¶ 5-9). 2220 Equities also believes that Grant does not provide it with sufficient information about matters affecting the partnerships and their properties and is not responsive to 2220 Equities' questions, concerns or interests. (*Id.*). In some circumstances, 2220 Equities has been unable to obtain sufficient information from Grant about matters affecting the partnerships or their properties to be able to determine what actions Grant and her company are taking or have taken with respect to the properties, and whether the properties are being managed in the best interests of the partnerships. (*Id.*).

4. **Allegation:** There has been broad recognition among the partners that the Partnership cannot continue to operate constructively in its present form. (*See* Grant Aff. ¶ 3).


Response: Disputed. 2220 Equities and MYCA, LLC together control a majority of the partnership interests in Court-Martine Associates. (Minskoff Reply Declaration ¶ 3). The majority of partnership interests decided to hire Armstrong Management, an independent, third-

party managing agent, to manage the property owned by the Partnership and the majority continues to make decisions on behalf of the Partnership. (Minskoff Decl. ¶¶ 10-13).

Dated: April 17, 2008

Respectfully submitted,

WHITEMAN OSTERMAN & HANNA LLP

By: 
Philip H. Gitlen (PG 9603)
Christopher E. Buckey (CB 0187)
William S. Nolan (WN 8091)
One Commerce Plaza
Suite 1900
Albany, New York 12260
Telephone: (518) 487-7600
Facsimile: (518) 487-7777

*Counsel for Defendant
2220 Equities Management
Limited Partnership*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCORPIO 8283 LLC,

Plaintiff,

-against-

MYCA, LLC and 2220 EQUITIES MANAGEMENT
LIMITED PARTNERSHIP,

Defendants.

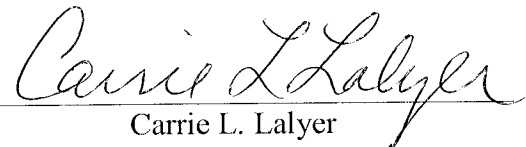
No. 08 CV 510 (CLB)

FILED BY ECF

I hereby certify that on April 17, 2008, I electronically filed the RESPONSE OF 2220 EQUITIES MANAGEMENT LIMITED PARTNERSHIP TO PLAINTIFF'S LOCAL RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL FACTS with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Thomas Golden, Esq.
Willkie Farr & Gallagher
787 Seventh Avenue
New York, New York 10019

Michael D. Lockard, Esq.
Akin Gump Strauss Hauer & Feld LLP
590 Madison Avenue
New York, New York 10022


Carrie L. Lalyer